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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/692,762 10/19/00 GALVIN

D 281241-00001

EXAMINER

PM82/0122

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WALSH, J

ART UNIT

PAPER NUMBER

3629

DATE MAILED:

01/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/692,762	Applicant(s) GALVIN, DONNA	
	Examiner John B. Walsh	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 35-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 16) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 20) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 36-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 recites the limitation "the latch" in line 3. It is unclear if the applicant is referring to the first, second or automatic door latch.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,727,773 to Hagstrom.

Hagstrom '773 discloses a first latch (B) movable to an extended position, a partially retracted position and a fully retracted position (bolt can be in an extended position (fig.2); a partially retracted position (position between extended and retracted position); a retracted position; column 9, lines 39-55); a first spring (55); restraint means including a second latch (101) for manually securing the first latch in the fully retracted position (column 9, lines 39-55); actuator bar means (S); restraint means comprises a keeper (90) mounted for rotation with the actuator bar means; a manually operable button (102).

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5. Claims 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,681,147 to Dexter.

Dexter '147 discloses a first latch (6) movable to an extended position, a partially retracted position (position between extended and retracted position) and a fully retracted position; a first spring (figure 1, inside 3); restraint means including a second latch (17) for manually securing the first latch in the fully retracted position (page 2, lines 1-11); actuator bar means (7); restraint means (14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,727,773 to Hagstrom as applied to claim 35 above, and in view of U.S. Patent No. 4,124,238 to Bischoff, Jr.

Hagstrom '773 fails to teach a dead bolt.

Bischoff, Jr. '238 teaches a dead bolt (3).

It would have been obvious to one skilled in the art at the time the invention was made to modify the latch mechanism of Hagstrom '773 with a dead bolt, as taught by Bischoff, Jr. '238, in order to provide a stronger locking mechanism.

8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,681,147 to Dexter as applied to claim 35 above, and in view of U.S. Patent No. 4,124,238 to Bischoff, Jr.

Dexter '147 fails to teach a dead bolt.

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Bishoff, Jr. '238 teaches a dead bolt (3).

It would have been obvious to one skilled in the art at the time the invention was made to modify the latch mechanism of Dexter '147 with a dead bolt, as taught by Bishoff, Jr. '238, in order to provide a stronger locking mechanism.

Allowable Subject Matter

9. Claims 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 39-41 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3620

JW

January 15, 2001